

TENTATIVE RULINGS for CIVIL LAW and MOTION
December 3, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Eight: (530) 406-6848

TENTATIVE RULING

Case: In re Anna Pedras
Case No. CV PT 09-2751

Hearing Date: **December 3, 2009** **Department Eight** **11:00 a.m.**

The petition for approval of transfer of structured settlement payment rights is **DENIED**. The Assignment Agreement would require the obligor to split payments between the petitioner and Anna Pedras. (Ins. Code, §§ 10139.3, subd. (e) and 10139.5, subd. (b)(3).)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: Roscoe-Moses v. Washington Unified School District
Case No. CV CV 09-2383

Hearing Date: **December 3, 2009** **Department Eight** **11:00 a.m.**

This matter is **CONTINUED** on the Court's own motion to Wednesday, January 6, 2010, at 9:00 a.m. in Department Fifteen.

TENTATIVE RULING

Case: United Road Service, Inc. v. Aggressive Transport Limited
Case No. CV PM 07-1049

Hearing Date: **December 3, 2009** **Department Eight** **11:00 a.m.**

Defendant Aggressive Transport Limited's motion to tax \$7,426.98 in costs is **GRANTED**. Prejudgment interest is not a cost, but an element of damages. (*Lineman v. Schmid* (1948) 32 Cal.2d 204, 208-209.) Accordingly, the cost bill is not an appropriate vehicle for requesting prejudgment interest under Code of Civil Procedure section 3287. (*North Oakland Med. Clinic v. Rogers* (1988) 65 Cal.App.4th 824, 829-831.) If an award for prejudgment interest is not included in the jury's verdict, a separate request must be made. (*Id.*) The request must be made before entry of judgment. (*Id.*; Cal. Rules of Court, rule 3.1802.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.